

By: Hughes

S.B. No. 784

A BILL TO BE ENTITLED

AN ACT

relating to human sexuality instruction in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.004, Education Code, is amended by adding Subsection (h-1) and amending Subsections (i) and (j) to read as follows:

(h-1) A school district may not offer human sexuality instruction in a school year unless the commissioner determines that the district's instruction for that school year, including all curriculum materials used in the instruction, and the notice required under Subsection (i) comply with the requirements under this section. The commissioner shall adopt rules as necessary to implement this subsection, including rules that:

(1) establish a process for the determination that concludes not later than the 30th day before the first day of each school year; and

(2) provide a school district an opportunity to revise any noncompliant instruction, including the materials, or notice, as necessary to comply with the requirements under this section, as determined by the commissioner.

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If

1 instruction will be provided, the notice must include:

2 (1) a summary of the basic content of the district's
3 human sexuality instruction to be provided to the student,
4 including a statement informing the parent of the instructional
5 requirements under state law;

6 (2) each date on which the district's human sexuality
7 instruction will be provided to the student along with a detailed
8 description of the content of the instruction to be provided on that
9 date;

10 (3) a statement of the parent's right to:

11 (A) receive a copy of ~~[review]~~ curriculum
12 materials as provided by Subsection (j); and

13 (B) remove the student from any part of the
14 district's human sexuality instruction without subjecting the
15 student to any disciplinary action, academic penalty, or other
16 sanction imposed by the district or the student's school; and

17 (4) ~~[(3)]~~ information describing the opportunities
18 for parental involvement in the development of the curriculum to be
19 used in human sexuality instruction, including information
20 regarding the local school health advisory council established
21 under Subsection (a).

22 (j) A school district shall provide by mail or e-mail to a
23 parent of each student enrolled in the district a copy of ~~[make]~~ all
24 curriculum materials used in the district's human sexuality
25 instruction ~~[available for reasonable public inspection]~~.

26 SECTION 2. Sections 28.004(i) and (j), Education Code, as
27 amended by this Act, apply beginning with the 2019-2020 school

1 year.

2 SECTION 3. Section 28.004(h-1), Education Code, as added by
3 this Act, applies beginning with the 2020-2021 school year.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2019.